

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

:)
 :) CASE NO. 3:19-mc-80005-SK
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 :) **WATCH TOWER BIBLE AND**
 :) **TRACT SOCIETY OF**
 :) **PENNSYLVANIA'S OPPOSITION**
 :) **TO REDDIT, INC'S JOINDER IN**
 :) **MOTION TO QUASH**
 APPEARANCE DATE: 5/6/2019
 TIME: 11:00 AM

I. INTRODUCTION

With all briefing already filed and oral argument two weeks away, Reddit, Inc. (“Reddit”) informs the Court that it has unilaterally decided to join Darkspilver’s motion to quash without so much as a respectful request for this Court’s permission to do so. Should the Court construe Reddit’s filing as a request for permission to join Darkspilver’s motion to quash, Watch Tower Bible and Tract Society of Pennsylvania (“Watch Tower”) opposes Reddit’s motion. Reddit’s eleventh-hour attempt to join Darkspilver’s motion to quash is out of order and should be summarily rejected.

II. STATEMENT OF ISSUES TO BE DECIDED

The issues to be decided in the present matter are: 1) whether Fed. R. Civ. P. 18 permits Reddit to join Darkspilver’s motion to quash when no claim, counterclaim, crossclaim or third-party claim has been filed; 2) whether Fed. R. Civ. P. 19 permits Reddit to join Darkspilver’s motion to quash when Darkspilver is not a party to a pending lawsuit, and no pleadings have been filed; and 3) whether Fed. R. Civ. P. 20 permits Reddit to join Darkspilver’s motion to quash when Darkspilver is not a party to an action before this Court, and no pleadings have been filed.

III. STATEMENT OF RELEVANT FACTS

The subpoena in the present matter was served on Reddit, Inc. on January 24, 2019. *See* D.E. 12-5, at 2. The return date of the subpoena was February 15, 2019. Reddit did not file the present joinder notice until two weeks before oral argument on a fully-briefed matter. Further, Reddit asserts no basis for its joinder to Darkspilver’s motion to quash.

IV. ARGUMENT

The Federal Rules do not permit joinder in the present circumstances. First, Fed. R. Civ. P. 18 does not permit joinder where no claim has been filed. Rule 18 provides,

(a) In General. A party asserting a claim, counterclaim, crossclaim, or third-party claim may join, as independent or alternative claims, as many claims as it has against an opposing party.

(b) Joinder of Contingent Claims. A party may join two claims even though one of them is contingent on the disposition of the other; but the court may grant relief only in accordance with the parties' relative substantive rights. In particular, a plaintiff may state a claim for money and a claim to set aside a conveyance that is fraudulent as to that plaintiff, without first obtaining a judgment for the money.

Id. Darkspilver has asserted no claim, counterclaim, crossclaim, or third-party claim against Watch Tower. Therefore, there is no claim for Reddit to join and no basis for joinder under Rule 18.

Rule 19 is equally unavailing. Rule 19 states,

a) Persons Required to Be Joined if Feasible.

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if: (A) in that person's absence, the court cannot accord complete relief among existing parties; or (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may: (i) as a practical matter impair or impede the person's ability to protect the interest; or (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

(2) Joinder by Court Order. If a person has not been joined as required, the court must order that the person be made a party. A person who refuses to join as a plaintiff may be made either a defendant or, in a proper case, an involuntary plaintiff.

Fed. R. Civ. P. 19. No pleadings have been filed in the present matter. There is no plaintiff or defendant in the present matter. Reddit cannot be joined as a party in a case for which no complaint has been filed.

Similarly, Rule 20 of the Federal Rules does not provide a basis for Reddit's joinder to Darkspilver's motion to quash. Rule 20 states,

(a) Persons Who May Join or Be Joined.

(1) Plaintiffs. Persons may join in one action as plaintiffs if: (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all plaintiffs will arise in the action.

(2) Defendants. Persons—as well as a vessel, cargo, or other property subject to admiralty process in rem—may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out

1 of the same transaction, occurrence, or series of transactions or occurrences; and (B) any
2 question of law or fact common to all defendants will arise in the action.

3 Fed. R. Civ. P. 20. Here again, there is no plaintiff or defendant in the present matter because
4 no complaint has been filed.

5 Unlike typical subpoenas issued in cases for which pleadings have been filed, the Digital
6 Millennium Copyright Act (17 U.S.C. §512) provides the basis upon which the present
7 subpoena was issued. Reddit attempts to treat the present subpoena as if it is based on a claim
8 for which pleadings have been filed. Such treatment is simply premature. No pleadings have
9 been filed. There are no parties to an underlying action as yet. As such, there is no basis for
10 Reddit's joinder to Darkspilver's motion to quash.
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12 Watch Tower respectfully requests that this Court reject Reddit's attempt by notification
13 to insert itself into the pending motion to quash.
14

15 Dated: April 23, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 23, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a notice of the foregoing document is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Paul D. Polidoro